

REMARKS/ARGUMENTS

The applicant acknowledges, with thanks, receipt of the Office Action that was mailed on May 3, 2007. Accordingly, presented herein are claim amendments and arguments responsive to the May 3, 2007 Office Action. Reconsideration of the application as currently amended is now requested for the reasons that will be set forth below.

By this amendment, claims 23, 32 and 40 have been amended. Claims 46-47 are new. The subject matter of claims 46-47 is not new matter as it is disclosed in paragraphs 36 and 44 of the original specification. Claims 31 and 39 have been canceled.

NON-ART REJECTIONS

Claims 23-45 stand rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps. The examiner points out that nothing is actually done with the determined “coverage vs. data rate.” The examiner’s objections are well taken. Accordingly, the applicant has amended the claims in response to the objections.

PRIOR ART REJECTIONS

Claims 23-45 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of U.S. Patent 5,920,607 to Berg, U.S. Patent 5,987,328 to Ephremides et al. (*hereinafter* Ephremides) and U.S. Patent 6,697,415 to Mahany et al. (*hereinafter* Mahany). For reasons that will now be set forth, claims 23-45 as currently amended are not obvious in view of Berg, Ephremides and/or Mahany, when taken alone or in any combination thereof.

Independent claims 23, 32 and 40 recite that coverage area versus data range for a plurality of access points are determined to achieve a desired optimal configuration (e.g. what is the best combination of coverage area vs. data rate for all of the access points to achieve the maximum throughput). Once these are determined, the optimal configuration is applied to the associated wireless network. As noted in responding to the previous office action, neither Berg nor Ephremides teach or suggest varying coverage area versus data rate. The examiner relies on Mahany to disclose the inverse relationship between coverage and data rate (“dynamically trade data rate in return for coverage range”).

Mahany is directed to a data transceiver module for data communications in a portable hand-held data terminal that has multiple spread spectrum modes. Mahany does not teach or suggest varying data ranges and coverage areas for a plurality of access points in a wireless network in order to achieve an optimal configuration for the network. Berg, which is directed to adaptive cell coverage does not teach or suggest varying data rates versus coverage areas for a plurality of access points to achieve an optimal configuration. Berg is directed towards cellular communications, which typically has stringent data rate requirements. Ephremides, like Berg, does not mention varying coverage area versus data rate in generating simulations. Ephremides was filed after Mahany and yet does not teach or suggest varying coverage area versus data rate for a plurality of access points to achieve an optimal configuration.


In addition to the reasons set forth above, new claim 46 recites that the simulator is configured to make predictable adjustments to the optimal configuration based on historical data. Berg only reacts to detecting new degradation (see col. 7, lines 1-2; col. 9, lines 18-31). Neither do Ephremides nor Mahany teach or suggest making predictable adjustments to historical data.

CONCLUSION

For the reasons set forth above, withdrawal of the objections and rejections to this application are requested. If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/00012.

Date: August 3, 2007

Respectfully submitted,


Larry B. Donovan
Registration No. 47,230
TUCKER ELLIS & WEST LLP
1150 Huntington Bldg.
925 Euclid Ave.
Cleveland, Ohio 44115-1414
Customer No.: 23380
Tel.: (216) 696-3864
Fax: (216) 592-5009